UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/517,173	03/02/2000	Tsutomu Itou	500.38276X00	4778

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EXAMINER
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ART UNIT	PAPER NUMBER
2174	

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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)	
Office Action Summary	09/517,173	ITOU ET AL.	
	Examiner	Art Unit	
	Thomas T. Nguyen	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *April 16, 2004 (amendment paper #9)*.

2a)☒ This action is **FINAL**.　　2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6,9-14 and 17-20* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *17* is/are allowed.

6)☒ Claim(s) *1-6,9-14 and 18-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☒ All　b)☐ Some * c)☐ None of:

　　1.☐ Certified copies of the priority documents have been received.

　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *6*.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

FINAL OFFICE ACTION (paper #10)

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6,9-14,18-20 are rejected under 35 U.S.C. 102(e) as being anticipated

by Yaegashi et al. US. Patent No. 5,956,453

As per claims 1,18,19: Yaegashi et al. disclose a system and method of forming a

hierarchical structure for use in editing a motion picture, including displaying a plurality

of representative images, wherein each of the representative images represents a series of

frame images forming the motion picture (see abstract, claims 1-2,8, col. 9 lines 15-22,

and Fig. 1), the method of forming the hierarchical structure as follows:

selecting at least one (first) representative images (Fig. 7B);

performing **an image detection** processing for detecting a predetermined object

(scene) from the series of frame images corresponding to the selected first representative

images (claim 1, and col.6 lines 26-41, Fig. 6B);

displaying a *first information 201 showing that* the predetermined object is

included in the series of frame images, as a result from the image detection processing;

and forming the hierarchical structure based on the first representative images

corresponding to the series of frame images within the predetermined object has been

detected (Fig. A);

displaying a *second information* 203 relating to said representative images, to

which the image detection processing has not been performed yet in the series of frame

images (Fig. 6A-B,8-9, and claims 2,9).

Regarding claims 2,12 in addition to what is recited in claim 1, *Yaegashi displays*

in the first information, the frame images including the predetermined object and the

frame not including the predetermined object are distinctively displayed "hierarchically"

(summary, col.1 lines 42-53, Fig. 6A).

Regarding claim 3, in addition to what is recited in claim 1, *Yaegashi discloses*

wherein the image detection processing is performed on the basis of at least one feature

<u>possessed by the predetermined object</u> "*determining a hierarchical structure among the*

scenes and cuts represented by said reduced images in accordance with the selection of

reduced images representing a plurality of video scenes or a plurality of video cuts

constituting moving image information, a designation segment for designating reduced

images related to a predetermined hierarchical structure portion in the hierarchical

structure, and a display monitor for showing a hierarchical portion including designated

reduced images with such an arrangement as to show the hierarchical structure"

(abstract, claim 1).

Regarding claim 4, in addition to what is recited in claim 1, *Yaegashi*s displays the

predetermined object (still image) which related to an object appearing in the motion

picture, and the representative image which contains the predetermined object *"the*

reduced still images corresponding to the motion picture" (col.9 lines 48-49).

Regarding claim 5, in addition to what is recited in claim 1, *Yaegashi*'s system

inherently discloses a step of deleting a part of said first information on said screen "a

display for displaying an entire image of said hierarchical structure on a screen; and

a controller for controlling said detection means, said selecting means, said memory, said

designating means, said determining means and said display so that said <u>hierarchical</u>

<u>structure is changed in accordance with a requirement of an operator</u>." (claim 8, lines 35-

37 and col.9 lines 15-22).

Regarding claim 6, in addition to what is recited in claim 1, *Yaegashi*'s system

discloses a step of performing <u>separately plural image detection</u> processing on the basis

of different features for predetermined objects, and displaying in combination of results

of the plural image detection processing on the screen; and dividing the combined result

into the respective results. *"a change point detection segment for detecting a change*

point of a moving image comparing adjacent frame images; detected in the cut change

point detection segment 103 are described, a reduced moving image for high speed

display; the cut change point is detected in the moving image information after; detecting

change portions of said moving images and dividing the said moving images into said

scenes and cuts; a controller for controlling said detection means, said selecting means,

said memory, said designating means, said determining means and said display so that

said hierarchical structure is changed in accordance with a requirement of an operator"

(claim 8, Fig.6B).

Regarding claim 9, in addition to what is recited in claim 1, *Yaegashi*'s system

displaying the representative image that combined with additional information which

relates to said predetermined object detected by the image detection processing on the

screen (Figs.1,5,9).

Regarding claims 10-11, in addition to what is recited in claim 1, *Yaegashi*'s

system discloses a display area including a feature for varying the first information on

said screen; *and* selecting one of the representative images constructing the hierarchical

structure, and applying the image detection processing to a series of frame images

corresponding to said selected representative image, wherein the results of the image

detection are included in the representative images arranged at the lowest position in the

hierarchical structure *"In an editing apparatus according to an embodiment of the present*

invention which will be described in detail later, it is possible to display a part or the

whole of this hierarchical structure on a monitor screen for editing" (col.3 lines 37-51);

and *"said hierarchical structure is changed in accordance with a requirement of an*

operator" (claim 8).

Regarding claim 13, in addition to what is recited in claim 1, *Yaegashi*'s system

displaying three windows simultaneously on the screen, the three windows including a

first window which displays the hierarchical structure to edit the motion picture, a second

window which displays a plurality of frame images applied said image detection

processing, and a third window which displays the detection result of said image

detection processing, wherein the operations of said three windows are linked with each

other "*The window 201 (editing area) for editing further includes an operation key-area*

240. The operation key area 240 includes icons 241, 242, 243, . . . of editing function

keys for designating various editing operations. It is possible to perform editing by

putting a   cursor on the editing function key area 240 by operating a mouse and

designating a desired key icon. For example, when the key 241 for displaying cut table is

designated, a window 203 is displayed on the screen. In the cut table window 203,

reduced still images 210 to 214, . . representing respective cuts are displayed in the time

series sequence as a cut table" (Fig.1, col.4 lines 12-20) .

Regarding claim 14, in addition to what is recited in claim 13, *Yaegashi*'s system

discloses the representative images are displayed in said first window with an image size

with which said hierarchical structure based on said representative images can be

displayed in said first window, and the displayed representative image is designated by

the GUI so that the designated representative image is applied to said image detection

processing "*a step of determining a hierarchical structure among a plurality of scenes*

and a plurality of cuts represented by still images, a step of designating static images

related to an optional hierarchical structure portion in the hierarchical structure, and a

step of displaying the hierarchical portion including designated still images on a screen

with such an arrangement that shows the hierarchical structure" (abstract, col. 4 lines 1-

31, col.3 lines 52-67, Fig. 1).

Allowable Subject Matter

Claim 17 was objected to as being dependent upon a rejected base claim, but it

now allowable because it have been (amended) rewritten in independent form including

all of the limitations of the base claim and any intervening claims.

Claim 21 is similar in scope to claim 17, which is now allowable under similar

rationale. For example, *Yaegashi*'s system *discloses "moving image or the scene*

consisting of a plurality of frames is seen at a high speed, reduced images are stored in

the magnetic storage device 106 as a moving image reduced to the size displayed at a

high speed as a high speed display image and displayed as a representative image (col.

4, lines 50-55); and *"changing coordinate positions on said screen of said representative*

still images displayed with said hierarchical structure so that said representative still

images and said frames are displayed within a predetermined screen area" (claim 5).

However, the particular features of "displaying an object frame on the detected

predetermined object, said object frame designating a part of a selected frame image

which contains said predetermined object; a step of making the judgement of whether or

not the same image information as image information of a region enclosed by said object

frame is included in the plurality of frame images applied to said image detection

processing; and a step of changing at least one of the size and position of said object

frame by operating icons displayed on said screen" is not teach or suggest by the prior

arts is now made of record (see PTO-892).

Response to Applicant's Remarks

Applicant's arguments have been considered but are not deemed to be persuasive

to put the case in condition for allowance. The examiner's response to Applicant's

primary arguments/remarks as follows:

Applicant's argument (page 15, last paragraph, lines 4-6) "Yaegashi is

silent on how to select the reduced images . Thus, Yaegashi does not teach the image detection".

On the other hand, Applicant speculates/ admits (page 15, last

paragraph, lines 8-10) " In Yaegashi, when the editor wants to select

desired frames , the editor must check(detect) all the frames in a

vast number of frames". Furthermore, Yaegashi discloses in col. 10,

claim 1, lines 61, the feature of "selecting" and the "detecting" the

image as required by applicant claimed (see claim 1 rejection above).

Therefore, this argument is not persuasive.

In view of the forgoing amendment and remarks, the Examiner

submits that claims *1-6,9-14,18-20 are not in a condition for allowance.*

Conclusion

Accordingly, *THIS ACTION IS MADE FINAL*. See MPEP 706.07(a). Application is

reminded of the extension of time policy as set forth in 37 CFR 1.136(a). Any inquiry

concerning this communication or earlier communications should be directed to the

Patent Examiner **Thomas Nguyen**, whose telephone number is *(703) 308-7240* (Tuesday

to Friday 09:00 - 7:30 ET) or *Kristine Kincaid Supervisory Patent Examiner (703) 308-0640.*

Other inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the Group receptionist whose telephone number is (703) 305-3900

and Official-Fax number (703) 828-9306. Please label properly on the cover page of

facsimile communications.

KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Thomas T. Nguyen

July 12, 2004